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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,856

12/29/2004

David Aaron Crowther

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JOSEPH J. LAKS, VICE PRESIDENT  
THOMSON LICENSING LLC  
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EXAMINER

BADAWI, SHERIEF

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/20/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/519,856

Applicant(s)

CROWTHER ET AL.

Examiner

Sherief Badawi

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12/29/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The instant application having Application No. 10/519,856 has a total of 11 claims pending in the application; there are 2 independent claims and 9 dependent claims, all of which are ready for examination by the examiner.

#### *Oath/Declaration*

2. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

#### *Information Disclosure Statement*

3. As required by M.P.E.P. 609(C), the applicant's submissions of the Information Disclosure Statements dated 12/29/2004 are acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P. 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

#### *Drawings*

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Storage devices L22 and I23" (Page 2, lines 31-32). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior

Art Unit: 2109

version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

[Page.5, Paragraph 2, lines 9, 13 and 16] recite "(not shown)", referring to vendor unique storage device, bound LUNs and unbound disks.

The examiner requests an explanation on why "(not shown)" is referring to devices displayed in the figures.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Appropriate correction is required.

### ***Claim Objection***

6. **Claims 1, 2, 7 and 8** are objected to because of the following informalities:

**Claims 1, 2, 7 and 8**, recite "the one storage device", it is suggested to change "the one storage device" to "the at least one storage device" or remove "--the--".

**Claims 1 and 7**, recite "display of information", it is suggested to add "--about identified device--" after "--information--".

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claims 1 and 7** recite the limitation "the identified device". There is insufficient antecedent basis for this limitation in the claims.

In claim 5, it is suggested to insert "--storage--" before --device--.

**Claims 1 and 7** recite the limitation "the selected menu option". There is insufficient antecedent basis for this limitation in the claims.

In claim 5, it is suggested to replace "--the--" with --a--.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claims 1-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Baldwin et al. (U.S. Patent No. 7,171,624 B2)

As per **Claims 1 and 7**, Baldwin discloses a method for managing at least one storage device **[management of a storage area network; Abstract, lines 1-2]**, comprising the steps of: (a) identifying the one storage device; **[the identification of the physical storage device; Paragraph.21, lines 5-6]**. b) Establishing a database containing information about the identified device; **[Further aspects of the invention provide systems as described above in which the manager maintains in a relational database a topological or other representation of the storage area network, or aspect thereof; Paragraph.32, lines 1-4]**. (c) Providing to the user a graphical user interface in accordance with the information in the database, the graphical interface displaying at least one menu option for the identified device for selection by the user to request at least one of (i) display of information and; **[provide a system as described above in which the GUI provides for selective display of storage devices, or logical units, depending upon their storage capacity or other quantitative attributes; paragraph.28, lines 1-5]**. (ii) Execution of at least one process to control the operation of the one storage device; **[management of a storage area network (SAN), executes a process; abstract lines 1-2. According to one such aspect of the invention, the invention provides an improved SAN of the type having one or more digital data processors, e.g., hosts of the type described above, in communication with one or more storage devices, e.g., LUNs. The host (or other digital data processor) is of the type with an operating system that utilizes (i) a port driver to define a software interface between a class driver and an adapter to which one or more of the storage devices are coupled, and (ii) a class driver that claims storage devices for access, e.g., by the operating system and any applications programs executing therein, by invoking the port driver to which the host is coupled; Paragraph.91, lines 1-10]**. d) processing the selected menu option; **[processing in connection with those tasks; Paragraph.34, lines 5-6]**. (e) Automatically updating the graphical

Art Unit: 2109

user interface in response to the processing of the selected menu option. **[A graphical output device displays the SAN representation. A further process, herein referred to as a user interface process, controls the output device for purposes of displaying that representation. An interface element, residing on the manager digital data processor or another data processor, effects retrieval of the SAN representation, for example, in response to a request from the user interface process. It transmits that representation to the user interface process for display on the graphical output device; Paragraph.117, lines 6-14].**

As per **Claims 2 and 8**, the rejection of claim 1 is hereby incorporated by reference; Baldwin discloses step of identifying the one storage device comprises the step of ascertaining a manufacturer and model number for the one storage device; **[Figures 16-17].**

As per **Claims 3 and 9**, the rejection of claim 1 is hereby incorporated by reference; Baldwin discloses establishing a database comprises the step of obtaining information that includes at least one of (a) operational rules, (b) commands and (c) processing routines of the one storage device; **[the invention provides a SAN as described above in which the manager maintains policies for handling events pertaining to (i) attributes of at least selected hosts and/or (ii) establishment of relationships of at least selected hosts with one or more storage units. A policy engine included within the manager responds to notification of at least a selected event by effecting execution of an action according to the policy maintained therefor; Paragraph.30, lines 1-6. Fig.17].**

As per **Claims 4 and 10**, the rejection of claim 3 is hereby incorporated by reference; Baldwin discloses determining if the requested execution of the at least one process complies with the operational rules for the identified device, operational rules for the identified device, **[The rules section is comprised of multiple rules--one or more rules per managed device. The rule itself**

Art Unit: 2109

is comprised of two sections--the id section and the management information section. The id section is used to uniquely identify the device to be managed. The management information section is a collection of multiple types of management information, each one describing a certain method for managing the particular device; paragraph.414, lines 1-7. Defined control characters are allowed in the rules file and cause specific actions to occur depending on the control character; Paragraph.422, lines 1-2]. and if not, blocking execution of the at least one process; and generating an error message; [Defined control characters are allowed in the rules file and cause specific actions to occur depending on the control character; Paragraph.422, lines 1-2. a severe error message can be generated; Paragraph.189, line 2].

As per Claims 5 and 11, the rejection of claim 1 is hereby incorporated by reference; Baldwin discloses a graphical user interface includes the steps of: displaying icons representative of each identified devices in a hierarchical fashion in a first pane; and displaying information in a second pane related a corresponding one of the icons displayed in a first pane; [a topological, hierarchical or enumerated (i.e., listing) display of SAN components can be accompanied by a display of component properties (e.g., identity of LUNs in a physical storage device, and so forth). The latter display, too, is beneficially generated only upon selection of a specific component in the former display. In a related aspect, data necessary for generating the latter (i.e., a component property) display is retrieved, for example, from a local or remote database, only upon selection of a specific component in the former display; Paragraph.27, lines 1-8. Figures. 16-17].

As per Claim 6, the rejection of claim 1 is hereby incorporated by reference; Baldwin discloses steps (d) and [processing in connection with those tasks; Paragraph.34, lines 5-6]. (e)



Art Unit: 2109

are repeated following receipt of each subsequent menu selection made by a user; [A graphical output device displays the SAN representation. A further process, herein referred to as a user interface process, controls the output device for purposes of displaying that representation. An interface element, residing on the manager digital data processor or another data processor, effects retrieval of the SAN representation, for example, in response to a request from the user interface process. It transmits that representation to the user interface process for display on the graphical output device; Paragraph.117, lines 6-14].

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lagueux, Jr. et al. (US 6,538,669) discloses Graphical user interface for configuration of a storage system.

Blumenau et al. (US 2001/0020254) discloses Method and apparatus for managing access to storage devices in a storage system with access control.

12. The examiner requests, in response to this Office action, support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

13. When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed

Art Unit: 2109

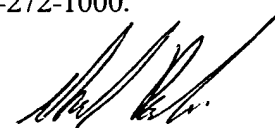
by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherief Badawi whose telephone number is (571) 272-9782. The examiner can normally be reached on Monday through Friday 7:30-5:00, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/1/2007



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Art Unit 2109



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